

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4005 of 2017**

1. Shibu Bijhiya S/o Late Bechu Ram Aged About 32 Years
2. Bahadur S/o Late Ghursai, Aged About 38 Years
3. Banasmuni @ Rango W/o Bahadur, Aged About 37 Years

All are Caste Bijhiya, R/o Village Jamdai, Police Station Jainagar,
Tahsil & District Surajpur, Chhattisgarh.

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police
Station Jainagar, District Surajpur, Chhattisgarh.

---- Respondent

For Applicants	Mr. Sushil Dubey, Advocate
For Respondent/State	Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****21/11/2017**

(1) Heard.

(2) This is an application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants, who have been arrested in connection with Crime No.84/2017 registered at Police Station Jainagar, District Surajpur (CG) for the

offence punishable under Section 306 read with Section 34 of IPC.

(3) Deceased Ganga Bijhiya was the second wife of applicant No.1. As a matter of fact, it was the second marriage for the deceased also, because, she was earlier married to Badu Bijhiya of Village Koreya but there was *Chhor-Chhuti* between them and thereafter, since 3-4 years, the deceased was staying with applicant No.1. The deceased and applicant No.1 has one daughter out of the wedlock. It is stated that prior to the present incident, the applicants have committed cruelty by assaulting the deceased and leaving her in the forest area, but at that time, the villagers saw the deceased in an unconscious state and they brought the deceased to her house. However, the matter was resolved as the deceased and applicant No.1 entered into compromise. It appears, the applicants particularly applicant No.1-husband continued to treat the deceased with cruelty, therefore, she consumed suspected poisonous substance (insecticide) and committed suicide.

(4) Learned counsel for the State would oppose the bail application.

(5) Considering the fact that the applicants are in jail since 22.3.2017; investigation is complete as the charge sheet has already been filed; there are no allegations of demand of dowry or any cruelty in connection with demand of dowry and; the previous incident of assault was six months back, after which, the compromise was entered between applicant No.1 and the deceased, this Court is inclined to release the applicants on regular bail.

(6) Accordingly, the application is allowed and the applicants are directed to be released on bail on their executing a personal bond for a sum of Rs.25,000/- with one surety each for the like amount to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.

(7) Certified copy as per rules.

Sd/-

Judge

(Prashant Kumar Mishra)

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